

Court of Appeals, State of Michigan

ORDER

Marty Bryan Miller v E C Brooks Correctional Facility Warden

Docket No. 311769

LC No. 12-048457-AH

Peter D. O'Connell
Presiding Judge

Donald S. Owens

Michael J. Kelly
Judges

On the Court's own motion, in lieu of dismissing the claim of appeal for lack of jurisdiction because it was not timely filed within 21 days after entry of the July 18, 2012 order denying appellant's motion for reconsideration of the order appealed from, MCR 7.204(A)(1)(b), the claim of appeal is treated as an original complaint for habeas corpus. Thus, upon entry of this order, the Clerk's Office is directed to change the designation of plaintiff-appellant to plaintiff and the designation of defendant-appellee to defendant.

Further, plaintiff's pleading filed with the claim of appeal that is substantially in the form of a brief is treated as a brief in support of his original complaint for habeas corpus. Defendant shall be allowed 21 days from the date of this order to file an answer to that brief. See MCR 7.205(D)(2).



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

OCT 09 2012

Date


Chief Clerk